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US Legal News for Japanese Companies

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Feb. 6, 2026 – This newsletter reports on U.S. legal matters relevant to Japanese companies for the period from October to December 2025. In this issue, we discuss various matters, including the filing of cases in the U.S. Court of International Trade for potential tariff refunds.

Litigation

- [Japanese Companies File Tariff Refund Lawsuits](#)

The U.S. Supreme Court is currently considering the lawfulness of U.S. tariffs imposed under the International Emergency Economic Powers Act (IEEPA).¹ If the Supreme Court finds the tariffs unlawful, U.S. importers that have paid IEEPA tariffs could be entitled to refunds. In November 2025, the U.S. subsidiaries of several Japanese companies, including Kawasaki Motors, Ricoh, Sumitomo Chemical, Toyota Tsusho and Yokohama Rubber, filed cases in the U.S. Court of International Trade to preserve their rights to such refunds.²

These Japanese subsidiaries are not alone. More than 1,500 companies have reportedly filed IEEPA refund cases in the Court of International Trade.³ These cases seek to protect against the possible loss of refund rights once entries “liquidate” – *i.e.*, the “final computation or ascertainment of duties on entries for consumption or drawback entries.”⁴ When tariffed goods first enter the United States, the importer of the goods pays an estimated duty.⁵ U.S. Customs and Border Protection then calculates the final import duty, typically within 314 days, and the entry is deemed to be liquidated.⁶ Importers were concerned that, in the event the Supreme Court invalidated the IEEPA tariffs, refunds might not be available for entries that had already been liquidated. To protect against this possibility, importers began filing cases in the Court of International Trade to suspend the liquidation of these entries.

In *AGS Co. Automotive Sols. vs. U.S. Customs and Border Protection*,⁷ the Court of International Trade addressed this concern. In that case, the plaintiffs sought a preliminary injunction enjoining the government from liquidating entries that were subject to IEEPA tariffs. In response, the government recognized the court’s authority to order the reliquidation of the entries and assured the court that the liquidation of the entries would not foreclose plaintiffs’ right to refunds. Given these assurances, the Court of International Trade denied the motion for an injunction, finding that plaintiffs did not face a risk of irreparable harm.⁸

On Dec. 23, 2025, the Court of International Trade issued Administrative Order 25-02 staying the unassigned IEEPA cases and any new IEEPA cases filed after the date of the order. Importers may still file claims with the Court of International Trade, but nothing will happen in those cases until the Court of International Trade lifts the stay.⁹

In the meantime, the situation remains unclear. The possibility of refunds depends in the first instance on the Supreme Court's ruling on the lawfulness of the IEEPA tariffs, and even if the Supreme Court invalidates the IEEPA tariffs, it remains to be seen whether and to what extent there may be refunds. Among other things, the Trump administration has indicated that it will seek to maintain the tariffs under other U.S. statutes.¹⁰

- [Michigan Jury Awards \\$383M Verdict Against Toshiba in Power Plant Contract Dispute](#)

On Dec. 18, 2025, a jury in the Eastern District of Michigan returned a verdict in favor of Consumers Energy Company and DTE Electric Company against Toshiba America Energy Systems Corporation (TAES).¹¹ The jury found that TAES had breached its contract with plaintiffs for the upgrade of the Ludington Pumped Storage Plant by providing defective work with respect to certain key components of hydroelectric turbines.¹² The jury awarded plaintiffs more than \$383 million in damages for TAES's breaches of contract, in addition to more than \$11 million in stipulated liquidated damages for delayed work. TAES's parent company, Toshiba Corporation, is also a defendant in the case due to a guarantee that Toshiba provided to plaintiffs. As the guarantee contains a jury waiver, plaintiffs' claims against Toshiba were not presented to the jury but are expected to be decided by the judge in a separate bench trial.¹³

- [Toyota Industries Corp., U.S. Forklift Emissions Class Action – \\$299.5M Settlement](#)

On Oct. 31, 2025, Toyota Industries Corporation (TICO) announced a settlement agreement with plaintiffs in a U.S. class action concerning emissions-certification issues in several types of forklift engines.¹⁴ In the class action, plaintiffs alleged that TICO and its U.S. affiliates manipulated testing data for emissions certifications by using test engines configured differently from production units.¹⁵ The proposed settlement is valued at \$299.5 million and includes complimentary maintenance services for all class vehicles.¹⁶ As of the date of this newsletter, the settlement remains subject to court approval.¹⁷ While the settlement would end the class action litigation, TICO has announced that investigations by U.S. federal and California state authorities will remain ongoing.¹⁸

Cross-Border Transactions

- [SoftBank to Acquire DigitalBridge for \\$4B](#)

On Dec. 29, 2025, SoftBank Group Corp. announced that it had entered into a definitive agreement, according to which it would indirectly acquire DigitalBridge Group, Inc., a leading global alternative asset manager focused on digital infrastructure, for a total enterprise value of approximately \$4.0 billion. According to the press release, DigitalBridge's portfolio includes data centers, cell towers, fiber networks, and edge infrastructure. The deal is subject to regulatory approvals and is expected to close in the second half of 2026.¹⁹

- [NEC to Acquire U.S. Telecom Services Provider CSG for \\$2.9B](#)

On Oct. 29, 2025, NEC Corp. announced that it would indirectly acquire CSG Systems International, Inc. (CSG) for \$2.9 billion. CSG is a Colorado-headquartered software company providing online business support systems for telecom and broadband carriers. The transaction is subject to regulatory approvals and is expected to close by the end of 2026.²⁰

- [JERA to Acquire Haynesville Shale Gas Asset in Louisiana for \\$1.5B](#)

On Oct. 23, 2025, JERA Co. Inc. (JERA) announced that it would acquire from GEP Haynesville and Williams the full ownership of their joint venture project to develop a shale gas asset in South Mansfield, LA, for \$1.5 billion. The asset is

part of the Haynesville Shale basin, with production capacity of more than 500 million standard cubic feet per day, which is expected to double as the project proceeds. This transaction marks JERA's first entry into U.S. shale gas production.²¹

- Japan's JAPEX to Acquire U.S. Oil and Gas Assets for \$1.3B

On Dec. 18, 2025, Japan Petroleum Exploration Co., Ltd. (JAPEX) announced that it would indirectly acquire all of the equity interests in Verdad Resources Intermediate Holdings LLC (VRIH), a Texas-based company operating tight oil and gas assets in Colorado and Wyoming, for approximately \$1.3 billion. The closing is expected to be around the end of February 2026. Before the acquisition, JAPEX's business in the upstream oil and gas industry in the United States was limited to non-operator roles.²² After the acquisition, JAPEX will operate tight oil and gas assets in the United States for the first time.²³

1. The U.S. Supreme Court case is *Trump v. V.O.S. Selections, Inc.*, No. 25-250 (2025). The Supreme Court held oral argument on Nov 5, 2025 and is expected to issue its opinion this term. ↩
2. Compl., *Kawasaki Motors Mfg. Corp. U.S.A. v. United States*, No. 25-00264 (Ct. Int'l Trade Nov. 13, 2025); Compl., *Ricoh USA, Inc. v. United States*, No. 1:25-cv-00252 (Ct. Int'l Trade Nov. 10, 2025); Compl., *Sumitomo Chemical America Inc. v. United States*, No. 1:25-cv-00263 (Ct. Int'l Trade Nov. 13, 2025); Compl., *Toyota Tsusho America, Inc. v. United States*, No. 1:25-cv-00297 (Ct. Int'l Trade Nov. 21, 2025); Compl., *Yokohama Tire Corp. v. United States*, No. 1:25-cv-00254 (Ct. Int'l Trade Nov. 10, 2025). ↩
3. Bloomberg News, *Quick Tariff Ruling in Doubt as Supreme Court to Take Recess (1)*, (Jan. 20, 2026), <https://www.bloomberg.com/product/blaw/bloomberglawnews/bloomberg-law-news/XBGOJSG000000>. ↩
4. 19 C.F.R. § 159.1 ↩
5. 19 U.S.C. § 1505. ↩
6. 19 C.F.R. § 159.11. ↩
7. *AGS Co. Automotive Sols. vs. U.S. Customs and Border Protection*, No. 25-00255, 2025 WL 3634261 (Ct. Int'l Trade Dec. 15, 2025) ↩
8. *Id.* at *4. ↩
9. Administrative Order 25-02, *AGS Co. Automotive Sols. vs. U.S. Customs and Border Protection*, No. 25-00255 (Ct. Int'l Trade Dec. 23, 2025). ↩
10. CBS News, *As Trump's Tariffs Face Legal Challenge, Here Are Some of His Other Trade Policy Options*, (Dec. 12, 2025), <https://www.cbsnews.com/news/trump-tariffs-court-ruling-iepa/>. ↩
11. Verdict Form, *DTE Elec. Co. v. Toshiba Am. Energy Sys. Corp.*, No. 4:22-cv-10847 (E.D. Mich. Dec. 18, 2025). ↩
12. Compl. ¶¶ 3, 60, *DTE Elec. Co. v. Toshiba Am. Energy Sys. Corp.*, No. 4:22-cv-10847 (E.D. Mich. Apr 20, 2022). ↩
13. Joint Final Pretrial Order at 8-9, *DTE Elec. Co. v. Toshiba Am. Energy Sys. Corp.*, No. 4:22-cv-10847 (E.D. Mich. Aug. 15, 2025). ↩
14. Press Release, Toyota Industries Corporation, *Notice of Settlement Regarding Litigation against TICO and U.S. Subsidiaries* (Oct. 31, 2025), <https://www.toyota-industries.com/news/2025/10/31/008885/index.html>. ↩
15. Compl. ¶¶ 6-8, *Broadmoor Lumber & Plywood Co. v. Toyota Industries Corp.*, No. 3:24-cv-06640 (N.D. Cal. Sept. 22, 2024). ↩
16. Notice of Pending Settlement, *Broadmoor Lumber & Plywood Co. v. Toyota Industries Corp.*, No. 3:24-cv-06640 (N.D. Cal. Oct. 31, 2025). ↩
17. Press Release, Toyota Industries Corporation, *Notice of Settlement Regarding Litigation against TICO and U.S. Subsidiaries*, (Oct. 31, 2025), <https://www.toyota-industries.com/news/2025/10/31/008885/index.html>. ↩
18. *Id.* ↩
19. Press Release, SoftBank Group, *SoftBank Group to Acquire DigitalBridge for \$4 Billion to Scale Next-Gen AI Infrastructure*, (Dec. 29, 2025), <https://group.softbank/en/news/press/20251229>. ↩

20. Press Release, NEC Corp., *NEC to Acquire CSG, Strengthening Its Position as a Global Leader in Digital Transformation* (Oct. 29, 2025), <https://www.nec.com/en/press/202510/images/2903-01-01.pdf>. ↩
21. Press Release, JERA Co., Inc., *Announcement Regarding Participation in the Shale Gas Development and Production Project in the Haynesville Area, Louisiana, United States*, (Oct. 23, 2025), https://www.jera.co.jp/news/information/20251023_2298. ↩
22. Press Release, JAPEX, *Notice Regarding Acquisition of Tight Oil and Gas Assets in the U.S. through Acquisition of the Entire Equity Interest in Verdad Resources Intermediate Holdings LLC and Change in Status of Consolidated Subsidiary (Sub-subsidiary)*, (Dec. 18, 2025), https://www.japex.co.jp/news/uploads/pdf/JAPEX20251218_Verdad_operator_e.pdf. ↩
23. JAPEX, *Re. Acquisition of U.S. Tight Gas & Oil Assets*, (Dec. 18, 2025), <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwj9xMH5o6CSAxXRFVkFHVcoJGMQFnoECC> ↩

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